

A REGULAR COMMISSION MEETING OF JULY 15, 2019 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.

CALL TO ORDER

Chairman Turk called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman Turk asked everyone to stand and say the Pledge to the Flag.

ROLL CALL

Present were Commissioners: Byerly, Doney, Dunnington, Hewitt, Loomis, Oldenburg and Turk.

APPROVAL OF MINUTES

Commissioner Hewitt made the motion to approve the July 1, 2019 minutes as corrected and Commissioner Loomis seconded the motion. The motion passed unanimously.

PROCLAMATIONS

There were none.

BOARD AND COMMISSION REPORTS

Commissioner Loomis reported that the Park and Recreation Board will meet in August.

Commissioner Byerly reported that the Central Montana Health District Board will meet in August.

Commissioner Oldenburg reported that the Central Montana Foundation met on June 25, 2019. In addition to regular business there were six grant requests for a total amount of \$13,100. There were four requests funded for a total amount of \$3,925. The other two requests were denied. Commissioner Oldenburg stated that she abstained from the two of the votes that involved city entities.

Commissioner Doney reported that the Library Board will meet on July 18th.

Commissioner Hewitt reported that she attended the Airport board meeting on July 3rd. Commissioner Hewitt reported that all of the equipment at the airport is repaired and running. The Airport Board still does not have an estimate on the snowblower that is supposed to be painted yellow. Commissioner Hewitt reported that several trees need to be cut down. Construction of taxiways and runways began today and runway 1331 needs a new white strip and light fixtures. Commissioner Hewitt reported that the Fly In had a low turnout due to the weather. Commissioner Hewitt reported that the Yogo Inn would like to put up a new sign on the airport property, but the Airport Board will need to talk with the Montana Department of Transportation regarding the dimensions and regulations. The Airport Board is still looking for an Airport Manager.

CITY MANAGER REPORT

City Manager Holly Phelps reported on the following issues:

The City made it through another very busy 4th of July. The City Manager reviewed the call log for the fireworks complaints and there was actually a decrease in the numbers of fireworks complaints received.

The Sea Lions will be holding their swim meet July 13th and 14th in Lewistown. The pool will be closed much of this weekend. Camping will also be allowed in and around Frank Day Park.

A lot of work has been going on at the Civic Center. Everyone is encouraged to stop over at the Civic Center and take a look at the improvements that have been done.

The Lewistown Downtown Association will be hosting Hot Summer Night downtown on July 19th beginning at 4 pm. Several businesses will be open late and there will be music on Main Street and many other activities are planned.

Dutch elm disease continues to kill trees around our community. Most recently we have seen several trees killed in the Cemetery and Frank Day Park. We are working on a plan to remove these trees later this year. Also, we will again work with landowners to get diseased and hazardous trees removed from the public right of ways.

The City Manager has received a letter from the party interested in developing Berg Lumber and it was distributed to the Commission. The letter states that they are no longer interested, but City Manager Phelps did have a conversation with them today and they are more than willing to continue negotiations with the City. The interested party summed up the conversation as it was a learning experience and come back and talk to them in 30 to 60 days. City Manager Phelps stated that it is her plan to continue to work with them. Further discussion followed and it was suggested that a letter be sent to them to let them know that the City is willing to extend the due diligence time frame.

PUBLIC COMMENT - on non-agenda items

Mr. Richard Battrick stated that he attended the recent County Commission meeting and the City election was discussed and wanted to know why there is not a City election. It was discussed that there is a mail ballot City election because it is uncontested.

CONSENT AGENDA

Commissioner Loomis made the motion to approve the consent agenda and Commissioner Dunnington seconded the motion. The motion passed unanimously. The consent agenda was the acknowledgement of the claims that have been paid from June 27, 2019 to June 30, 2019 for a total of \$217,695.14 and July 1, 2019 to July 12, 2019 for a total of \$52,308.69.

REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:

1. Discussion and action on awarding the 2019 H to G Street water main extension project

City Manager Phelps explained that with the help of the Engineer for Hyalite Engineering the City put the project out to bid and the City received four bids. There were some bid discrepancies that were noted. The discrepancies were that Do-All Construction did not have name and address of the bidder and the words “Sealed Bid” on the bid envelope. Do-All Construction did not comply with the bid requirement to include a copy of their contractor’s license. City Manager Phelps further stated that D & D Excavation did not include a copy of their contractor’s license either. City Manager Phelps reported that both Griffith Contracting and COP Construction had everything included. City Manager Phelps stated that it is the recommendation of the engineer that the bid be award to Griffith Contracting. City Manager Phelps explained that she did confer with the City Attorney Monte Boettger and he explained that it is the City’s right to evaluate material evidence and felt that the City Commission could award the bid to whomever they chose. City Attorney Boettger does not feel that the discrepancies affect the material components of the bid. Commissioner Doney asked if Griffith Contracting was local. City Manger Phelps answered

they are local and all bids were below the engineers estimate. Commissioner Byerly commented that the difference between Griffith Contracting and the lowest bidder is \$70,000 and is there a legal requirement that if someone neglects to include their contractors license the bid can not be considered. City Manager Phelps explained that it was a requirement of the bid and the advertisement stated that the City reserves the right to reject any and all bids and can waive any abnormalities. City Manager Phelps stated that Mr. Marv DeBuff, owner of D & D Excavation, was in attendance when the bids were opened and did point out that Do-All Constructions bid was not properly labeled. The City Attorney did note that the requirements that are listed as part of the bid process are to protect the City more than the contractor. Public Works Director JR Killham commented that the Commission needs to be prepared that if it is awarded to a non-compliant bid there will probably be some repercussions. Commissioner Byerly made the motion to accept the bid of Griffith Contracting per the recommendation from staff and the engineer for the 2019 H to G Street water main extension project and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

2. Discussion and action on authorizing the City Manager to sign a H Street Utility easement for Top Star Properties

City Manager Phelps explained that Top Star is the developer of the Town and Country project. This easement would give the City the right to be able to enter the property where the utilities will be located. It is necessary that the City can access the utilities in order to maintain them and there is no cost associated with the easement. It just provides the City access to repair, maintain and fix the water and sewer lines. Commissioner Doney made the motion to authorize the City Manager to sign a H Street Utility easement for Top Star Properties and Commissioner Hewitt seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

3. Discussion and action on authorizing the City Manager to sign two H Street Utility Easements for Century Companies Inc

City Manager Phelps explained that Century Companies own two different pieces of property. There are two different lots and two different legal descriptions. City Manager Phelps this is the same utility easements and there is no cost to the City of Lewistown. Commissioner Doney made the motion to authorize the City Manager to sign two H Street Utility Easements for Century Companies Inc and Commissioner Hewitt seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

4. Discussion and action on Resolution No. 3996, a resolution approving an application for TIF funds made to the Lewistown Tax Increment Financing District Board

City Manager Phelps explained that the Tax Increment Finance board has received a grant application from the Broadway Company which is Carol and Charlie Wicks. The application is for some outside improvements on the former Lewistown Pharmacy building. The improvements are for signage, windows and doors. The application has been approved by the TIF board. Commissioner Doney made the motion to approve Resolution No. 3996, a resolution approving an application for TIF funds made to the Lewistown Tax Increment Financing District Board and Commissioner Hewitt seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

5. Discussion and action on entering into an agreement with the Montana Department of Administration 911 grant program Contract #MT9-1-1 Grant – 2019-015 and authorize the City Manager to sign

City Manager Phelps explained that the City has applied for a couple of different grants through the Department of Administration and 911 funds. There have been 911 funds set aside for grant funding and some of the funding comes back to counties and some of the funding comes back to PSAPs which are a public safety answering point and have to be at a certain technology level to qualify for grant funding. This particular grant is for \$31,453 and is to complete the implementation of integrated Text to 9-1-1. City Manager Phelps explained that if you do not have enough service there is the ability to text to 911 to get help. Commissioner Doney made the motion to approve entering into an agreement with the Montana Department of Administration 911 grant program Contract #MT9-1-1 Grant – 2019-015 and authorize the City Manager to sign and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

6. Discussion and action on entering into an agreement with the Montana Department of Administration 911 grant program Contract #MT9-1-1 Grant – 2019-016 and authorize the City Manager to sign

City Manager Phelps explained that the City pays quite a bit of money to companies to maintain and monitor the 911 systems to make sure they are functional at all times. The maintenance contract this last year was for \$11,619 and the City applied for the grant to offset the maintenance contract. This grant will offset the cost and there is no match to these grants. Commissioner Doney made the motion to approve entering into an agreement with the Montana Department of Administration 911 grant program Contract #MT9-1-1 Grant – 2019-016 and authorize the City Manager to sign and Commissioner Oldenburg seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

7. Discussion and action on authorizing the City Manager to sign a memorandum of understanding between the Montana Department of Transportation and the City of Lewistown to receive the funding for the maintenance of the Kiwanis Park public rest area

City Manager Phelps explained that there are some funds available this year to help offset the costs of maintaining the Kiwanis Rest Area. This is for maintenance, electricity and janitorial services at the Kiwanis Rest Area. This MOU is for \$6,490 and this has helped with a lot of improvements at the Rest Area. Commissioner Loomis made the motion to authorize the City Manager to sign a memorandum of understanding between the Montana Department of Transportation and the City of Lewistown to receive the funding for the maintenance of the Kiwanis Park public rest area and Commissioner Doney seconded the motion. Commissioner Turk asked for comments from the audience and Commission. There being none, the question was called for and the motion passed unanimously.

CITIZENS' REQUESTS

There were none.

COMMISSIONER'S MINUTE

Commissioner Hewitt was asked by the Airport Board to ask if the City would waive the water bill for the Rimby hangar. City Manager Phelps explained that is an expense that we all incur and the City pays for water and sewer. Commissioner Hewitt commented that the utility service has never been used. City Manager Phelps stated that it is policy and they could dig up the service and disconnect it at the main.

Commissioner Doney stated she hopes everyone can attend the Lewistown Hot Summer Nights.

Commissioner Oldenburg commented that she was approached that a off leash dog park would be beneficial to the area. Commissioner Oldenburg commented that if it is near the trails people would take their dogs there. City Manager Phelps suggested that those interested in a dog park should go to the park board.

Commissioner Oldenburg commented that there is no signage for the skate park. This issue was brought to the Planning Director and is working with the Recharge Our Community group to address the issue. There are more signs to install once the construction in the downtown area.

Commissioner Byerly commented that the goals that the Commission set are really a mission and some how we need to be reminded of these goals and inform the public of these goals. Commissioner Byerly stated he thinks the goals may need to be reworded and more tangible.

Commissioner Loomis stated that he was informed by a very disgruntled citizen about fireworks.

ADJOURNMENT

Chairman Turk adjourned the meeting.

Dated this 15th day of July 2019.

Patty Turk, Commission Chairman

ATTEST:

Nikki Brummond, City Clerk